

## **FISCAL NOTE**

### **HB 2882 - SB 3038**

February 7, 2008

**SUMMARY OF BILL:** Authorizes the Department of Safety (DOS) to revoke the license of any person upon determination that the person drove or was in actual physical control of a motor vehicle while the alcohol concentration in the person's blood or breath was .08% or more, and to revoke such person's license for refusal to take a blood-alcohol test when requested by law enforcement. Adds multiple new rules and regulations, and administrative procedures for the DOS and law enforcement for implementing the license revocation and reinstatement process as proposed.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Net Impact - \$500,000**

**Increase State Expenditures - \$187,000 / One-Time  
\$2,406,600 / Recurring**

**Increase Local Revenue – Exceeds \$150,000**

**Increase Local Expenditures\* - Exceeds \$500,000**

#### **Assumptions:**

- According to the Department of Safety, and based on current DUI statistics, the number of additional cases and hearings would number in the thousands, and as a result, the number of documents, notices, suspensions, revocations, issuances of restricted driver licenses and photo identifications, and reinstatements would also be in the thousands. Therefore, the department would require significant additional resources to accomplish the provisions of this bill.
- 20 Driver License Examiners, 5 Safety Examiners, 4 Administrative Secretaries, 2 Safety Examiner Supervisors, 2 Administrative Service Assistants, 2 Driver Control Managers (35 positions total). The recurring increase to state expenditures for these positions is estimated to be \$2,087,000 (salaries, benefits, supplies, operational expenses, etc.). One-time state expenditures associated with creating these additional positions is estimated to be \$187,000 (computers, software, communications, office space, supplies, etc.).

- The net increase to state revenue resulting from additional administrative fees charged, various fines, the issuance of restricted driver licenses, the issuance of photo identifications, reinstatement fees, and others, is difficult to forecast because of multiple unknown factors, but is reasonable estimated to be \$500,000 per year.
- According to the Office of Attorney General, two additional attorney positions and one paralegal position would be required because they would be legal counsel for the DOS in the numerous additional cases which are anticipated. The recurring increase to state expenditures for these three positions is estimated to be \$319,600 (salary, benefits, supplies, operational expenses, additional costs for law enforcement to testify, etc.).
- There will be a significant increase to local government expenditures as a result of additional rules, regulations, and procedures being required of law enforcement, law enforcement testifying in a significant number of additional cases, and for additional incarceration costs for any additional convictions. Such increase is difficult to predict because of multiple unknown factors, but such increase is reasonably estimated to exceed \$500,000 per year statewide.
- 100% of fine revenue attributable to DUI is apportioned to local governments.
- The increase to local government revenue for additional DUI fines which would result from any additional DUI convictions is difficult to predict, but is reasonably estimated to exceed \$150,000 per year.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc